

HOUSE BILL 245

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2003 Regular Session
3r1511
CF 3r0780

By: **Delegates Jones, Bobo, Boschert, Cane, Howard, Kirk, Madaleno, and Nathan-Pulliam**

Introduced and read first time: January 29, 2003

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2003

CHAPTER _____

1 AN ACT concerning

2 **Residential Child Care Programs - State-Funded Operators - Licensing**
3 **Provisions**

4 FOR the purpose of requiring a licensed operator of a residential child care program
5 who receives State funding to meet certain academic needs of a child in the
6 operator's care; requiring certain group homes to comply with certain provisions
7 of law; requiring the department that licenses the group home to notify certain
8 group homes of certain provisions of law; and generally relating to certain
9 licensing provisions for State-funded operators of residential child care
10 programs.

11 BY adding to
12 Article - Education
13 Section 7-309
14 Annotated Code of Maryland
15 (2001 Replacement Volume and 2002 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Family Law
18 Section 5-526
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2002 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Education

2 7-309.

3 (A) (1) IN THIS SECTION, "RESIDENTIAL CHILD CARE PROGRAM" MEANS A
4 PROGRAM THAT:

5 (I) PROVIDES CARE FOR CHILDREN 24 HOURS A DAY WITHIN A
6 STRUCTURED SET OF SERVICES AND ACTIVITIES DESIGNED TO ACHIEVE
7 OBJECTIVES RELATED TO THE NEEDS OF THE CHILDREN SERVED; AND

8 (II) IS LICENSED BY THE DEPARTMENT OF HEALTH AND MENTAL
9 HYGIENE, THE DEPARTMENT OF HUMAN RESOURCES, OR THE DEPARTMENT OF
10 JUVENILE JUSTICE.

11 (2) A "RESIDENTIAL CHILD CARE PROGRAM" INCLUDES:

12 (I) GROUP HOMES;

13 (II) ALTERNATIVE LIVING UNITS; AND

14 (III) EMERGENCY SHELTER CARE.

15 (B) EACH LICENSED OPERATOR OF A RESIDENTIAL CHILD CARE PROGRAM
16 WHO HAS LEGAL CUSTODY OR CARE AND CONTROL OF A CHILD WHO IS AT LEAST 5
17 YEARS OLD AND UNDER THE AGE OF 16 YEARS AND RECEIVES STATE FUNDING AS
18 PROVIDED IN § 5-526 OF THE FAMILY LAW ARTICLE ~~SHALL~~:

19 (1) SHALL ENROLL THE CHILD IN THE LOCAL SCHOOL SYSTEM WHERE
20 THE RESIDENTIAL CHILD CARE PROGRAM IS LOCATED;

21 (2) SHALL EXPEDITIOUSLY ~~RETRIEVE~~ INITIATE AND MONITOR THE
22 TRANSFER OF THE ACADEMIC RECORDS OF A CHILD IN THE OPERATOR'S CARE FROM
23 THE TRANSFERRING SCHOOL ~~AND SEND THE ACADEMIC RECORDS TO INSURE THAT~~
24 THE ACADEMIC RECORDS ARE TRANSFERRED TO THE SCHOOL THAT THE CHILD WILL
25 BE ATTENDING WHILE LIVING IN THE OPERATOR'S CARE;

26 (↔) (3) (I) MAY REQUEST A MEETING WITH THE CHILD'S TEACHERS;
27 AND

28 (II) SHALL MEET THE CHILD'S TEACHERS AT THE TIME OF
29 ENROLLMENT AND AT ANY OTHER TIME THE SCHOOL OR A TEACHER REQUESTS;
30 AND

31 (↔) (4) SHALL SIGN THE CHILD'S REPORT CARD ~~AND~~ INSURE THAT
32 THE REPORT CARD IS RETURNED TO SCHOOL, AND INCLUDE A COPY OF THE REPORT
33 CARD IN THE CHILD'S CASE RECORD.

1

Article - Family Law

2 5-526.

3 (a) (1) The Department shall provide for the care, diagnosis, training,
4 education, and rehabilitation of children by placing them in group homes and
5 institutions that are operated by for-profit or nonprofit charitable corporations.

6 (2) Any group home utilized under the provisions of this section shall
7 comply with the provisions of §§ 5-507 through 5-509 of this subtitle AND § 7-309 OF
8 THE EDUCATION ARTICLE.

9 (3) THE DEPARTMENT THAT LICENSES THE GROUP HOME SHALL
10 NOTIFY ANY GROUP HOME UTILIZED UNDER THE PROVISIONS OF THIS SECTION OF
11 THE REQUIREMENTS OF § 7-309 OF THE EDUCATION ARTICLE.

12 (b) (1) The Department shall reimburse these corporations for the cost of
13 these services at appropriate monthly rates that the Department determines, as
14 provided in the State budget.

15 (2) The reimbursement rate may differ between homes and institutions
16 that provide intermediate services, as defined by the Department, and homes and
17 institutions that provide full services.

18 (c) The Department, or the Department's designee, may not place a child in a
19 residential group home or other facility that is not operating in compliance with
20 applicable State licensing laws.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
22 effect July 1, 2003.